

**BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY**

Meeting Date: September 21, 2005

Division: BOCC

Bulk Item: Yes      No X

Department: BOCC

Staff Contact Person: Mayor Dixie Spehar

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**AGENDA ITEM WORDING:**

Approval of a resolution setting forth principles which are critical to the completion of wastewater projects in the unincorporated County.

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**ITEM BACKGROUND:**

The County and FKAA entered into an ILA for the provision of wastewater services. Certain principles should be recognized to guide the progression of the projects anticipated under that agreement.

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**PREVIOUS RELEVANT BOCC ACTION:**

Approval of an "umbrella" ILA with the FKAA on September 6, 2005.

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**CONTRACT/AGREEMENT CHANGES:**

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**STAFF RECOMMENDATIONS:**

Approval.

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**TOTAL COST:** NA

**BUDGETED:** Yes NA No     

**COST TO COUNTY:** NA

**SOURCE OF FUNDS:**                     

**REVENUE PRODUCING:** Yes      No      **AMOUNT PER MONTH**      **Year**     

**APPROVED BY:** County Atty X OMB/Purchasing      Risk Management     

**DIVISION DIRECTOR APPROVAL:** Mayor Dixie Spehar  
(TYPE NAME HERE)

**DOCUMENTATION:** Included X Not Required     

**DISPOSITION:**                                      **AGENDA ITEM #**

## **INTERLOCAL AGREEMENT FKAA**

**THIS INTERLOCAL AGREEMENT** is entered into pursuant to Sec. 163.01, FS., by and between Monroe County, a political subdivision of the State of Florida, (County), and the Florida Keys Aqueduct Authority, Inc., an independent special district, (FKAA).

**WHEREAS**, the County is authorized by Sec. 125.01(1), FS, to provide, assist in providing and fund centralized wastewater treatment systems;

**WHEREAS**, Chap. 99-395, Sec. 6, Laws of Florida, and the County's Comprehensive Plan require that certain wastewater treatment levels be achieved by 2010, levels which can best be achieved by central wastewater treatment systems;

**WHEREAS**, the FKAA is authorized by Chap. 76-441, Laws of Florida, as amended, to design, construct, and operate, wastewater treatment systems;

**WHEREAS**, the FKAA and the County have entered into previous interlocal agreements establishing and confirming their ongoing relationship in providing wastewater facilities in the Florida Keys; and

**WHEREAS**, the County, by adopted resolutions, have provided funding to the FKAA for wastewater projects and may provide additional funds to the FKAA for the administration, planning and construction of future wastewater projects in unincorporated Monroe County; and

**WHEREAS**, the County and the FKAA desire to put in place procedures to define the respective roles of the County and the FKAA in the planning, construction and operation of future wastewater projects in unincorporated Monroe County; and

**WHEREAS**, by forming a working relationship through an interlocal agreement, the County and the FKAA, can effectively and efficiently pool their resources and expertise in wastewater systems, thereby better serving the citizens of Monroe County:

**IN CONSIDERATION** of the mutual consideration and premises set forth below, the parties agree as follows:

1. There is hereby created a County-FKAA Wastewater Committee (CFWC) which shall be comprised of the following members or designee:

County Committee Appointee	FKAA Committee Appointee
County Engineer	FKAA Wastewater Engineer
County Financial designee	FKAA Financial designee
Monroe County Commissioner	*FKAA Board Member*

\* non-voting advisory member

It shall be the policy of the CFWC to invite members of the public to meetings wherein project-specific issues will be discussed. The CFWC shall promote the attendance of

community leaders that reside in areas where future wastewater projects are being planned.

2. The duties of the CFWC shall be to :
  - a. Develop an implementation schedule, consistent with State and Federal law, and in conformity with the Monroe County Sanitary Wastewater Plan, for the construction of wastewater systems in unincorporated Monroe County.
  - b. Develop a financial plan to fund, in a fair and equitable manner, wastewater systems for unincorporated Monroe County.
  - c. Develop requests for proposals (RFP) for the procurement of wastewater systems in unincorporated Monroe County, consistent with the procurement policies of the County.
  - d. Review, rank and recommend to the Monroe County Board of Commissioners and the FKAA Board of Directors the overall highest ranked firm pursuant to the RFP.
  - e. Conduct negotiation, if appropriate under the terms of the RFP, with the firm selected by the County and the FKAA to reach a fair and affordable cost for a wastewater system.
  - f. Provide ongoing coordination between the County and FKAA in the construction, operation, and maintenance of wastewater projects.
  - g. Provide such other assistance as requested by the County and the FKAA.
3. The CFWC committee shall meet at least monthly. The County and the FKAA shall provide clerical and legal staff to support the operations of the CFWC, including insuring compliance with Florida's Open Government Law.
4. The County and the FKAA agree that no Request For Proposals (RFPs) will be published for wastewater projects in unincorporated Monroe County without the recommendation of the CFWC and joint approval of the Monroe County Commission and the FKAA Board of Directors.
5. The County and the FKAA agree that no contracts pursuant to the procurement of any new wastewater system in unincorporated Monroe County will be signed without the recommendation of the CFWC and joint approval of the Monroe County Commission and the FKAA Board of Directors.
6. The County and the FKAA agree to work together to establish fair and equitable user fees to fund the operation and maintenance of wastewater systems.
7. The County and the FKAA agree that many issues will need to be resolved to achieve wastewater treatment within unincorporated Monroe County and agree to let the CFWC work to bring consensus to those issues and make recommendations to both the Monroe County Commission as well as the FKAA Board of Directors. The County and the FKAA agree to work together to seek and obtain Federal and State grants to assist in the funding of wastewater projects.
8. The County and the FKAA agree that ownership of wastewater infrastructure is an issue that will need further resolution. Both parties acknowledge that many factors may affect ownership including the requirements of certain financing vehicles. The CFWC will weigh ownership alternatives and make recommendations to the Monroe County Commission and the FKAA Board of Directors as to the sole or joint ownership of future wastewater projects.

9. The parties agree that this written document represents their initial mutual agreement and replaces any prior agreement, understandings, or communications on the subject matter of the agreement, whether written or oral. The parties agree that this ILA may be amended with the consent of both parties upon recommendations of the CFWC and approval of both the Monroe County Commission as well as the FKAA Board of Directors.
10. This agreement will take effect on the date a copy executed by both parties is filed with the Clerk of the Courts of Monroe County, Florida.
11. This agreement may be severed by formal action by one or both parties with 90 days notification to the other party of such planned action. Formal action shall be defined as a majority vote by one or both of the respective boards to sever the agreement. The responsibility for any joint projects that should exist at the time of severance shall be negotiated among the parties and found to be mutually acceptable to both the BOCC and FKAA.

**IN WITNESS WHEREOF**, the parties hereto have set their hands and seals the day and year first above written.

**BOARD OF COUNTY  
COMMISSIONERS OF MONROE  
COUNTY, FLORIDA**

(SEAL)

By: \_\_\_\_\_  
Mayor / Chairperson

Danny L. Kolhage, Clerk

By: \_\_\_\_\_  
Deputy Clerk

**THE FLORIDA KEYS AQUEDUCT  
AUTHORITY**

(SEAL)

By: \_\_\_\_\_  
Chairman

**ATTEST:**

\_\_\_\_\_

**RESOLUTION NO. \_\_\_\_-2005**

**A RESOLUTION OF THE MAYOR AND COUNTY COMMISSION  
OF MONROE COUNTY SETTING FORTH PRINCIPLES  
CRITICAL TO THE COMPLETION OF WASTEWATER  
PROJECTS IN THE UNINCORPORATED COUNTY.**

**WHEREAS**, Monroe County is diverting a significant portion of its resources to the necessary task of sewerage the Florida Keys; and

**WHEREAS**, the financial strain on the County from the County's investments in sewerage the Florida Keys will be felt for decades by the citizens of the Florida Keys; and

**WHEREAS**, the County and State will be bearing a significant portion of the financial obligation; and

**WHEREAS**, the Florida State Auditor General is the proper entity to monitor and audit the competency and management of this significant undertaking; and

**WHEREAS**, it is vitally necessary that the sewerage of the Florida Keys be given the highest priority by all concerned and that every state funding source available be utilized to the fullest extent possible; and

**WHEREAS**, the mandate imposed by the State of Florida to sewer the Florida Keys will fall short of its goal if certain principles are not agreed upon between the county, state, FCAA, and other wastewater service providers in the Florida Keys and uncompromisingly adhered to;

**NOW THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Monroe County, that:

1. The following principles are critical to the sewerage of the unincorporated areas of Monroe County, Florida, on a timely and cost-efficient basis:
  - A. The State of Florida should fully understand the financial burden it has added to the citizenry of this Area of Critical State Concern, and that many county improvements will be indefinitely deferred to meet the State mandate.
  - B. The County will make every effort feasible to comply with the State mandate and makes this commitment with the knowledge of the absolute importance of sewerage the Keys.
  - C. The County and the FCAA will utilize all sewer money and revenues collected from customers of wastewater systems, over and above the costs of maintenance, operations, billing, and any direct costs specifically incurred to provide these services, solely to finance the construction of ongoing and projected collection, treatment and disposal systems, and for no other purposes.

D. The State, County, FCAA and Key Largo Wastewater Treatment District will stay fully engaged to ensure both that the most imaginative and cost effective solutions are employed to achieve the mandate with ever limiting funds and that the parties coordinate their efforts to obtain the maximum financial assistance possible from State funded sources.

2. This Resolution shall become effective upon the date of its adoption.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a meeting of said Board held on the twenty-first day of September, 2005.

Mayor Spehar

Mayor Pro Tem McCoy

Commissioner Neugent

Commissioner Rice

Commissioner Nelson

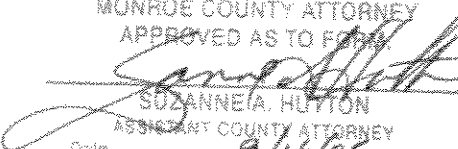
BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA

(Seal)

Attest: DANNY L. KOLHAGE, Clerk

By: \_\_\_\_\_  
Mayor/Chairman

By: \_\_\_\_\_  
Deputy Clerk

MONROE COUNTY ATTORNEY  
APPROVED AS TO FORM  
  
SUZANNE A. HUTTON  
ASSISTANT COUNTY ATTORNEY  
Date: 9/16/05